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FILED

May 28, 2010

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MAY 28 2010

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

**SURFACE
TRANSPORTATION BOARD**

Re: Union Pacific Railroad Company
Abandonment of Weber Industrial Lead, Lincolnwood, Illinois
STB Docket No. AB-33 (Sub-No. 263X)
Petition for Public Use Condition and Interim Trail Use

Dear Chief Brown:

The Village of Lincolnwood, Illinois (the "**Village**"), a political subdivision, hereby petitions the Surface Transportation Board for an order extending its Decision and Notice of Interim Trail Use or Abandonment in the above-referenced matter ("**Decision**") for an additional 180 days, through and including December 8, 2010.

On November 25, 2008, the Village filed its Petition for a Public Use Condition as well as an Interim Trail Use Condition ("**Petition**"), rather than an outright abandonment authorization, for that portion of the Weber Industrial Lead located within the corporate boundaries of the Village, extending from approximately Milepost 8.4 near Devon Avenue to approximately Milepost 9.45 near Touhy Avenue. As part of the Petition, the Village filed its Statement of Willingness to Assume Financial Responsibility pursuant to 49 CFR §1152.29.

On December 17, 2008, the Board issued its Decision, providing for a 180-day period for negotiations between the Village, the City of Chicago, and Union Pacific Railroad Company ("**UP**"). On June 12, 2009, the Board issued an order extending the time period for negotiations an additional 180 days, through and including December 13, 2009 ("**First Extension Order**"). On April 30, 2010, the Board issued an order further extending the time period for negotiations an additional 180 days, through and including June 11, 2010 ("**Second Extension Order**").

Since November 2009, the Village has continued its development of plans for the use of the right-of-way for trail and/or other public purposes, all in accordance with the Petition. As noted in the Village's request for the Second Extension Order, the Village has been approved

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for an 80% matching grant from the Congestion Mitigation and Air Quality Improvement Program ("**CMAQ**") to support the proposed purchase, and trail use, of the right-of-way. The CMAQ grant is administered by the Illinois Department of Transportation ("**IDOT**"), which requires that grantees follow a specified procedure in order to receive grant funding. In furtherance of that procedure, the Village has accomplished the following since November 2009:

1. On April 16, 2010, the Village Board of Trustees formally approved the Village's five-year capital plan, which plan contemplates the allocation of Village funds for the proposed purchase, and trail use, of the right-of-way;
2. The Village has formally applied for IDOT approval of Engineering Design Services and Land Acquisition, as required in connection with the administration of the CMAQ grant;
3. On March 19, 2010, IDOT granted initial approval of the required Local Agency Agreement for Federal Participation;
4. The Village has submitted a draft Phase I Engineering Service Agreement to IDOT, and has received only minor comments in response; and
5. On May 11, 2010, Village representatives met for a second time with representative of IDOT and of the Federal Highway Administration ("**FHWA**") regarding the Village's request for "advanced acquisition" approval, which would allow the Village to obtain the grant and complete negotiations with UP in a shorter timeframe.

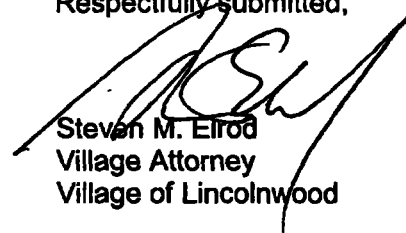
The Village continues to work with IDOT and FHWA, and with UP, to produce all necessary plans and obtain all necessary approvals for the proposed purchase and trail use of the right-of-way. However, the Village does not expect to receive those approvals until after the expiration of the current negotiation period. Thus, in order to complete its trail plan to satisfy CMAQ and IDOT requirements, and to continue negotiations with UP to a successful conclusion, the Village requests additional time.

Thus, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including December 8, 2010. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

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By my signature below, I certify service upon Union Pacific Railroad Company, c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606, and upon the City of Chicago, c/o Mr. Thomas Byrne, 30 North LaSalle Street, Suite 500, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 28th day of May, 2010.

Respectfully submitted,



Steven M. Elrod
Village Attorney
Village of Lincolnwood

cc: Village President and Board of Trustees
Tim Wiberg, Village Administrator
Janice Hincapie, Village Director of Parks & Recreation

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